

Carlisle Conservation Commission
September 30, 2010

Pursuant to the notice filed with the Town Clerk, Chair Kelly Guarino called the meeting to order in the Clark Room at the Town Hall at 7:30 p.m. Also present were Commissioners Luke Ascolillo, Tom Brownrigg, Chair Elect Peter Burn, Jen Bush, and Debra Kimbrell Anderson and Conservation Administrator Sylvia Willard. It was noted that the meeting is being recorded.

Bills, General Agenda Items, Minutes and New Business:

Commission Member Delegate Responsibilities: The following committee liaison assignments were finalized: CRAC (voting) – Bush; LSC – Brownrigg; FinCom– Burn; CPC (voting) – Ascolillo; Personnel – Guarino. Ongoing tasks will be overseen as follows: FY12 Budget Process – Burn; Bylaw Fee Review – Brownrigg; Bog House Lease/Licensing Agreement – Guarino. Since Ascolillo will be replacing Guarino as the Commission's CPC member, *Burn moved to appoint Ascolillo to represent the Commission on the Community Preservation Committee, Bush seconded and all voted in favor.*

Certificates of Compliance:

(DEP 125-412) Applicant: Clyde Kessell; Address: 385 Curve Street; Project: Addition to home within the 100' Buffer Zone. *Based on Willard's recommendations that she found the project to have been completed satisfactorily in compliance with the Plan of Record, Burn moved to issue a Certificate of Compliance for DEP #125-412, Brownrigg seconded and all voted in favor.*

(125-0877) Applicant: Scott Henderson, 511 Brook Street. Project: stone retaining walls on septic system; Issued: 1/22/2010. *Based on Willard's recommendations that she found the project to have been completed satisfactorily in compliance with the Plan of Record, Burn moved to issue a Certificate of Compliance for DEP #125-412, Bush seconded and all voted in favor.* Because the property is currently for sale, the Commission suggested that the future owner be advised in writing that any landscaping work within a resource area will be subject to approval by the Commission.

Carlisle Public School Site Plan Review: School Building Committee Chair Lee Storrs was present to address several concerns previously raised by the Commission relative to potential work with the 100-foot Buffer Zone, including a temporary play area and fire access area. The issues were raised due to the fact that drainage from Church Street and the hill on which the school is located discharges to an area located between the Unitarian Church and the parsonage, therefore the Commission had recommended that the area be evaluated. In accordance with recommendations from CPS Engineering Firm Garcia, Galuska, Desousa, Inc., they are now proposing the installation of a temporary, hand installed snow fencing in order to enclose the temporary play area. They also propose trimming some of the underbrush, which is considered ongoing maintenance of a previously disturbed area. Because the fencing would be at least 50 feet from the potential BVW and would be elevated, the Commission determined that the work would be exempt from filing requirements. Relative to the fire access road, Storrs reported that the proposed location has been changed so that the area would be greater than 100' from the potential resource area.

8:15 p.m. (DEP 125-0891) Notice of Intent

Applicant: Patricia Robbins

Location: 917 Maple Street

Project Description: Removal and replacement of a deteriorating culvert and headwall in an existing driveway to a single family home

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Engineer Ian Mead presented the Plan for the replacement of an existing 36" corrugated metal pipe and concrete headwalls that were constructed over 30 years ago and have deteriorated and are contributing to erosion issues and driveway settlement. There are safety concerns since failure of the existing headwall and culvert

would prevent access to the home. The proposed work includes construction of new precast concrete headwalls and wing walls with a new 36-inch corrugated plastic pipe in the same location. The existing driveway and shoulders would be restored to preexisting conditions and elevations. Removal of a 6" maple tree is included in the Plan so as to allow sufficient equipment access. Work would be performed during the fall so as to minimize disturbance to the intermittent stream that exists in the vicinity of the work area. To reduce the potential for erosion, the stream would be temporarily dammed upstream with sandbags set on filter fabric and water pumped around the work area into a stilling basin located below the work area. Willard reported having consulted with the project reviewer at DEP relative to the stream and the suggestion was made to include a finding that the Commission is not taking a position on the status of the stream classification. *Burn moved to close the hearing for DEP 125-0891, Bush seconded and all voted in favor. Burn moved to issue a Standard Order of Conditions, noting that the Commission has no finding on the classification of the stream, Bush seconded and all voted in favor.*

8:30 p.m. (DEP 125-0889) Notice of Intent, Continued Hearing

Applicant: Town of Carlisle Trails Committee

Project Location: Off South Street, Benfield Lot 4

Project Description: Construction of a boardwalk and wildlife-viewing platform with work within the BVW, the 200' Riverfront Area and within Land Subject to Flooding

Guarino opened the continued hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. CCF member Steven Hinton and Mike Cole of Solid Earth Technologies were present on behalf of the Trails Committee to provide the Commission with additional information relative to the equipment that would be used to install the helical screws into the wetland during construction in the Riverfront Area. Cole provided a detailed overview of how the process would be undertaken and what proven safety measures Solid Earth Technologies implements as part of their standard operating procedures. He confirmed the fact that absorption/cleanup materials are always readily available in the event of an emergency, such as leakage of hydraulic fluid, and reported that the company has never had a catastrophic failure in over 17 years of doing business.

With this information, the Commission was now satisfied that all appropriate environmental safety measures will be employed during construction and that NHESP had completed their review of the project with no comment, the Commission was prepared to close hearing subject to the completion of the DEP project review. Guarino noted that the Commission had issued OOC's in the past contingent on DEP approval. With no objections along these lines from the Commission, *Kimbrell-Anderson moved to close the hearing for DEP #125-0889, Bush seconded and all voted in favor. Burn moved to issue a Standard Order of Conditions, Ascolillo seconded and all voted in favor.*

Land Use Discussion - Old North Bridge Hounds Club: Club President, Tom Moran and Vice President, Chic Daigle, were present to request clarification from the Commission relative to their use of Foss Farm and Towle Field for exercising their hounds. For the benefit of the hound club representatives and members of the audience, Guarino explained that the Commission has been trying to get a better handle on groups that will be using Foss Farm in order to minimize potential conflicts and as part of a broader effort to keep more comprehensive records of activities on town conservation lands. She cited conflicts in the recent past involving the Dog Sled Training Club and an abutter relative to excessive barking during loading and unloading and also noted the existence of a town bylaw that prohibits dog barking for more than 15 minutes.

In an attempt to address concerns that there could be conflicts with uses by other local groups, Moran described the activities they were proposing in detail. They would be limiting their activities on these parcels to exercising the hounds on foot, typically up to 12 hounds with four handlers for approximately an hour per session, preferring to use the field perimeters as opposed to walking trails. They would ideally like to have the parcels available mid morning on Tuesdays, Thursdays and Saturdays, although they would be using several other properties alternately on those days as well. Addressing concerns related to excessive dog barking at Foss, Moran stated that this would not be an issue, as the hounds typically only bark when they are hunting. Carlisle Dog Officer Bob Dennison, who was present for the discussion, said was familiar with the group and reported no problems in the past between the two dog groups. He only asked that he be notified when they plan on using Foss Farm.

With no further questions or comments, the Commission was prepared to issue a permit to the ONHC subject to their submission of a Land Use Permit application with the stipulation that it would be reviewed seasonally as is required for the Sled Dog Training Land Use Permit. The representatives agreed to provide the Commission with the required information, which will be reviewed at the Commission's October 14, 2010 meeting.

9:05 p.m. (DEP 125-0890) Notice of Intent

Applicant: David Valchuis

Project Location: Berry Corner Lane

Project Description: Upgrading an existing common driveway to meet Planning Board requirements, including filling and compacting driveway potholes, replacing broken cleanout covers, and placing an 18" stone and a reflector at each cleanout, with work within the 100' Buffer Zone of a Bordering Vegetated Wetland

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. George Dimakarakos of Stamski and McNary presented the Plan being put forth in order to bring the common driveway into compliance with the Planning Board requirements and to provide adequate access to the single-family house lot owned by the applicant. He noted that this road "has some history", some of which is not pertinent; however, at one point in 2005 the applicant had some unauthorized work done to repair pot holes and grading issues which resulted in the Commission's issuance of an Enforcement Order. In order to satisfy these outstanding requirements, the Plan also addresses the need for ongoing maintenance to help minimize any potential impacts on the wetlands to the west of the driveway and provide safe access for property owners. They are now presenting a Plan that has been developed in conjunction with and approved by the Planning Board.

Dimakarakos provided the details of the proposed work, including repair and resurfacing procedures, erosion/siltation control measures and roadway/drainage maintenance details. Addressing the Commission's concerns relative to the responsibilities for ongoing maintenance, Dimakarakos noted that the Commission is strictly reviewing what is contained in the Plan. The legal aspects of addressing the responsibilities for ongoing maintenance are addressed in the "BCL Maintenance, Utility and Easement Agreement dated May 30, 2007, which has been signed by all adjacent property owners and is on file with the Planning Board. Dimakarakos also confirmed that the Maintenance Agreement has been recorded at the Registry of Deeds.

With no further questions or comments, *Burn moved to close the hearing for DEP #125-0890, Kimbrell Anderson seconded and all voted in favor. Burn moved to issue a Standard Order of Conditions for DEP #125-0890, Brownrigg seconded. Willard noted that if the Commission wanted to include a continuing condition, they would be required to do so at the time the OOC is issued. Guarino asked if anyone wanted to amend the motion. Kimbrell Anderson moved to amend the motion to include the Maintenance Schedule as indicated on the Plan dated July 31, 2008 and revised October 22, 2009 and that such conditions will be continuing conditions. Burn seconded the amendment to the motion and all voted in favor. Guarino took a vote on the amended motion on the table for a Standard Order of Conditions with the addition of the language included in the amendment, and all voted in favor with the exception of Bush, who abstained.*

9:30 p.m. CR13 - Usage of field portion at 38 Litchfield Drive – Fiske Meadow: Property owners Mark Hersey and Diane Makovsky were present to discuss their request for a change in usage of the field portion of their property at 38 Litchfield Drive as outlined in a letter to the Commission received on June 17, 2010. Willard provided some background for those who may not be familiar with the parcel in question. Fiske Meadow is comprised of both town-owned land and private land owned by Hersey and several abutters. During a routine agricultural licensing agreement review undertaken several years ago, it was noted that the town-owned parcel was in fact not covered by a license agreement. For many years prior to this discovery, the CR area and the town area were being hayed by a local farmer. Upon contacting the farmer to discuss the licensing process, the farmer declined the offer to enter into an agreement for the mowing and it was taken over by Mark Duffy of Great Brook Farm who won the bid. At that time, Willard reported having met with Duffy to review the area that was included in the agreement and to ensure he was aware of the boundary lines between the town land and the privately owned land.

According to the property owners, Duffy plowed their privately owned portion of the field during the second growing season in order to plant corn without consulting them beforehand. At this point, they want the field returned to meadow at the end of this growing season and are requesting that the Commission incorporate this request into the upcoming annual review of the agricultural license for Fiske Meadow. Willard reported that both CRAC and LSC are also aware of the situation, and she will keep the Commission informed of their recommendations as their reviews are completed.

Guarino noted that it is advantageous to have someone enter into a license agreement because it enables the town to maintain the town-owned portion of the field without paying someone to mow it. There is also value to maintaining agricultural fields in a way that is useful to the farmers. However, she was in agreement with other members of the Commission and the property owners in that usage should not have been changed on the privately owned portion without the property owners' permission.

The other issue at hand is the fact that access to the town-owned portion of land covered by an agricultural agreement is accessible at this time only through the private land, as the meadow is substantially below the grade of Lowell Street. Resident Jack O'Connor, who was present for the discussion, made the suggestion to the Commission that perhaps a simple ramp could be constructed by the DPW in order to provide the access.

The Commission agreed to obtain additional information from Duffy, who was not present for the discussion, to ensure that both parties are represented fairly. They will also reiterate to him that the portion of the land that is privately owned must be returned to meadow until which time the private landowners give permission otherwise. The Commission also plans to address access issues to the town owned land during their next round of license agreement reviews.

Land Use Permit Requests:

Old North Bridge Pony Club: *Burn moved to issue a Land Use Permit to the ONBC for their Fall Mounted Meetings to be conducted on Saturdays, 11 a.m. to 2 p.m. from Oct 2 through November 13, Kimbrell-Anderson seconded and all voted in favor.*

Conant School, Acton, MA: *Burn moved to issue a Land Use Permit to the Conant School of Acton, MA for a field trip to see the beginning phases of the annual Cranberry Bog harvest on October 15 from 10 a.m. to 11:45, Brownrigg seconded and all voted in favor.*

David Olmstead - Bird Banding: Mr. Olmstead's request for a Land Use Permit for the purpose of banding hawks at Benfield will be given further consideration upon receipt of additional information relative to his professional qualifications and if he is able to demonstrate to the Commission that there is a clear research value associated with the banding activity.

Curve Street Dam: Willard reported that the Board of Selectmen voted to allocate \$1,500 to fund the engineering fees associated with the town's request to get the dam reclassified as agricultural with the Office of Dam Safety.

10:25 p.m. Executive Session: Guarino requested a motion to enter into an Executive Session for the purpose of discussing possible future litigation without returning to a Regular Session. The motion was made by Burn and seconded by Kimbrell Anderson. Members voted as follows: Burn, Aye; Brownrigg, Aye; Guarino, Aye; Bush, Aye; Ascolillo, Aye.

Respectfully submitted,
Mary Hopkins
Administrative Assistant

DOCUMENT REGISTER – n/a - no new material presented at meeting